

LAW OFFICES
FARRAR & BATES, L.L.P.

J. Russell Farrar
William N. Bates
Kristin Ellis Berexa
Teresa Reall Ricks
John E. Carter*
Gregory E. Seneff, Sr.
Molly R. Cripps

*Also licensed in KY

211 Seventh Avenue North
Suite 420
Nashville, Tennessee 37219

Telephone 615-254-3060
Facsimile 615-254-9835
E-Mail: fblaw@farrar-bates.com

Mary Byrd Ferrara*
Robyn Beale Williams

Of Counsel

H. LaDon Baltimore
Joseph S. Reeves III

REC'D TN
REGULATORY AUTH.
SEP 12 PM 2:16
OFFICE OF THE
EXECUTIVE SECRETARY

September 12, 2000

Via Hand Delivery

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: Petition for Arbitration of the Interconnection Agreement Between
BellSouth Telecommunications, Inc. and Intermedia Communications Inc.
Pursuant to Section 252(b) of the Telecommunications Act of 1996,
Docket No. 99-00948

Dear Secretary Waddell:

Pursuant to Pre-Arbitration Officer Gary Hotvedt's instructions at the status conference in the above-captioned proceeding, held on September 8, 2000 Intermedia Communications Inc. ("Intermedia"), hereby files the original and 13 copies of this letter concerning a new argument raised by BellSouth Telecommunications Inc. ("BellSouth") for the first time after the filing of its rebuttal testimony.

Addressing Arbitration Issue 37 in the status conference, BellSouth argues for the first time that only local frame relay traffic on *switched* virtual circuits, and *not* traffic on Permanent Virtual Circuits ("PVCs") should be subject to reciprocal compensation obligations. This distinction was not made by either of the Parties before in this or any other proceeding involving Issue 37, and the Authority asked Intermedia to state its position with respect to this new argument, both procedurally and substantively.

Intermedia has examined this new BellSouth argument on its merits. Although it is procedurally quite irregular for a party to raise new arguments for the first time after filing of rebuttal


POSTED
9-13-00

David Waddell, Executive Secretary
September 12, 2000
Page 2

testimony, Intermedia nevertheless will not raise an objection to the inclusion of this argument by BellSouth. Intermedia has also determined that it will not dispute the merits of this new argument in this proceeding.

Respectfully submitted,

INTERMEDIA COMMUNICATIONS INC.

By: 
H. LaDon Baltimore

cc: Gary Hotvedt
Parties of Record
Interested Parties